

SENATE BILL 407

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 33; Title 56, Chapter 7; Title 63, Chapter 6; Title 63, Chapter 9 and Title 68, relative to certain certification of physicians.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Title 33, Chapter 2, Part 4, is amended by adding a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional and more strenuous examinations than the requirements of the board of medical examiners to practice medicine.

(b) No licensed facility licensed under this part shall deny a physician a hospital's staff privileges based solely on the physician's decision not to participate in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied

to maintenance of certification. This section does not prevent a facility's credentials committee from requiring physicians licensed pursuant to title 63, chapters 6 and 9, to meet continuing medical education requirements, as set forth in the rules of the appropriate licensing board.

(c) A facility licensed under this chapter shall not deny physician hospital staff or admitting privileges or employment based solely on the absence of any form of specialty medical board certification or any maintenance of certification. This section does not prohibit a facility from requiring a physician to undergo remedial or corrective courses or training as required by a quality improvement committee.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional and more strenuous examinations than the board of medical examiners' requirements to practice medicine.

(b) The board shall not deny physician licensure based solely on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular

requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board re-certification or any maintenance of certification to practice medicine in this state.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional and more strenuous examinations than the board of medical examiners' requirements to practice medicine.

(b) The board shall not deny physician licensure based solely on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board re-certification or any maintenance of certification to practice medicine in this state.

SECTION 4. Tennessee Code Annotated Title 68, Chapter 11, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional and more strenuous examinations than the board of medical examiners' requirements to practice medicine.

(b) No licensed facility licensed under this chapter shall deny a physician staff privileges at a hospital based solely on the physician's decision not to participate in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. This section does not prevent a facility's credentials committee from requiring physicians licensed pursuant to title 63, chapters 6 and 9, to meet continuing medical education requirements, as set forth in the rules of the appropriate licensing board.

(c) A facility licensed under this chapter shall not deny a physician staff or admitting privileges or employment to a physician based solely on the absence of any form of specialty medical board certification or any maintenance of certification. This section does not prohibit a facility from requiring a physician to undergo remedial or corrective courses or training as required by a quality improvement committee.

SECTION 5. Tennessee Code Annotated Title 56, Chapter 7, Part 10, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional and more strenuous examinations than the board of medical examiner's requirements to practice medicine.

(b) A health insurance entity, as defined in § 56-7-109, shall not deny reimbursement to, or prevent a physician from, participating in any of the entity's provider networks based solely on a physician's decision not to participate in any form of maintenance of licensure or maintenance of certification.

(c) A health insurance entity, as defined in § 56-7-109, shall not discriminate with respect to reimbursement levels based solely on a physician's decision not to participate in any form of maintenance of licensure or maintenance of certification.

SECTION 6. This act shall take effect July 1, 2017, the public welfare requiring it.